

1-1 By: Munoz, Jr., Guillen, Isaac H.B. No. 3674
 1-2 (Senate Sponsor - Hinojosa)
 1-3 (In the Senate - Received from the House May 6, 2013;
 1-4 May 9, 2013, read first time and referred to Committee on
 1-5 Government Organization; May 16, 2013, reported favorably by the
 1-6 following vote: Yeas 5, Nays 0; May 16, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13			X	
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to eligibility of municipalities to participate in the
 1-19 historic courthouse preservation and maintenance programs
 1-20 administered by the Texas Historical Commission.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 442.001(1), Government Code, is amended
 1-23 to read as follows:

1-24 (1) "Historic courthouse" means a county courthouse
 1-25 that is at least 50 years old. The term includes a structure that:

- 1-26 (A) previously functioned as the official county
- 1-27 courthouse of the county in which it is located; and
- 1-28 (B) is owned by a municipality.

1-29 SECTION 2. Sections 442.0081(b), (c), (d), (e), (f), and
 1-30 (g-1), Government Code, are amended to read as follows:

1-31 (b) A county or municipality that owns a historic courthouse
 1-32 may apply to the commission for a grant or loan for a historic
 1-33 courthouse project. The application must:

- 1-34 (1) state the location of the courthouse;
- 1-35 (2) state whether the courthouse is or is likely to
 1-36 become a historic structure;
- 1-37 (3) state the amount of money or in-kind contributions
 1-38 that the county or municipality promises to contribute to the
 1-39 project;
- 1-40 (4) state whether the courthouse is currently
 1-41 functioning as a courthouse;
- 1-42 (5) include any plans, including a master preservation
 1-43 plan, that the county or municipality may have for the project; and
- 1-44 (6) include any other information that the commission
 1-45 by rule may require.

1-46 (c) The commission may grant or loan money to a county or
 1-47 municipality that owns a historic courthouse, for the purpose of
 1-48 preserving or restoring the courthouse, if the county's or
 1-49 municipality's application meets the standards of the historic
 1-50 courthouse preservation program. In considering whether to grant
 1-51 an application, the commission shall consider the preferences and
 1-52 factors listed in this section as well as any other factors that it
 1-53 may provide by rule.

1-54 (d) In considering whether to grant an application, the
 1-55 commission shall give preference to:

- 1-56 (1) a proposed project to preserve or restore a
 1-57 courthouse:
- 1-58 (A) that is or is likely to become a historic
 1-59 structure; and
- 1-60 (B) that:
- 1-61 (i) is still functioning as a courthouse;

2-1 (ii) was built before 1875; or
2-2 (iii) is subject to a conservation easement
2-3 held by the commission; and

2-4 (2) a county or municipality that will provide or has
2-5 provided at least 15 percent of the project's costs, including:
2-6 (A) in-kind contributions; and
2-7 (B) previous expenditures for master planning
2-8 and renovations on the courthouse that are the subject of the
2-9 application.

2-10 (e) In considering whether to grant an application, the
2-11 commission shall also consider the following factors:

2-12 (1) the amount of money available for a grant or loan
2-13 and the percentage of the costs that the county or municipality will
2-14 contribute;

2-15 (2) whether the county or municipality will contribute
2-16 any in-kind contribution such as labor or materials;

2-17 (3) the cost to preserve or restore the courthouse;

2-18 (4) the architectural style of the courthouse;

2-19 (5) the historic significance of the courthouse;

2-20 (6) the county's or municipality's master preservation
2-21 plan; and

2-22 (7) any other factors that the commission by rule may
2-23 provide.

2-24 (f) The commission shall adopt rules regarding the way in
2-25 which it will consider the following factors in analyzing a
2-26 county's or municipality's contribution to project costs under
2-27 Subsection (d)(2):

2-28 (1) the period during which past expenditures can be
2-29 considered;

2-30 (2) the amount of past expenditures that can be
2-31 considered; and

2-32 (3) the amount and type of in-kind contributions that
2-33 can be considered.

2-34 (g-1) To help protect courthouses that have benefited from
2-35 the historic courthouse preservation program, the commission shall
2-36 develop and implement a maintenance program to assist counties and
2-37 municipalities receiving money under the preservation program in
2-38 continuing to maintain, repair, and preserve the courthouses. The
2-39 maintenance program may include offering to periodically inspect
2-40 the courthouses and offering counties and municipalities technical
2-41 assistance and information on best practices in maintaining the
2-42 courthouses.

2-43 SECTION 3. Section 442.0082, Government Code, is amended to
2-44 read as follows:

2-45 Sec. 442.0082. HISTORIC COURTHOUSE PROJECT; REQUIREMENTS.

2-46 (a) Before incurring any expenses payable from funds received from
2-47 the commission under the historic courthouse preservation program,
2-48 a county or municipality must have a master preservation plan for
2-49 its historic courthouse project. The commission by rule shall
2-50 prescribe the minimum standards for a master preservation plan.

2-51 (b) A county or municipality that receives money under the
2-52 historic courthouse preservation program must use recognized
2-53 preservation standards for work on a historic courthouse project.
2-54 The commission by rule shall establish standards regarding the
2-55 quality of the work performed on a historic courthouse project.

2-56 (c) A county or municipality that receives money under the
2-57 historic courthouse preservation program for a historic courthouse
2-58 project may use the money only for eligible preservation and
2-59 restoration expenses that the commission by rule shall prescribe.
2-60 Eligible expenses may include costs for:

2-61 (1) structural, mechanical, electrical, and plumbing
2-62 systems and weather protection and emergency public safety issues
2-63 not covered by insurance;

2-64 (2) code and environmental compliance, including
2-65 complying with the federal Americans with Disabilities Act of 1990
2-66 and its subsequent amendments, Chapter 469 [~~Article 9102, Revised~~
2-67 ~~Statutes~~], and other state laws relating to accessibility
2-68 standards, hazardous materials mitigation rules, and other similar
2-69 concerns;

- 3-1 (3) replication of a missing architectural feature;
- 3-2 (4) removal of an inappropriate addition or
- 3-3 modification; and
- 3-4 (5) restoration of a courtroom or other significant
- 3-5 public space in a functional and historically appropriate manner.

3-6 (d) A county's or municipality's expenditure of money
 3-7 received under this chapter for a historic courthouse project is
 3-8 subject to audit by the state auditor in accordance with Chapter
 3-9 321.

3-10 (e) The commission by rule shall provide for oversight
 3-11 procedures on a project. These rules shall provide for reasonable
 3-12 inspections by the commission as well as periodic reports by a
 3-13 county or municipality on a project's progress.

3-14 SECTION 4. Section 442.0083(b), Government Code, is amended
 3-15 to read as follows:

3-16 (b) Except as otherwise provided by Subsection (c), the
 3-17 commission may use money in the historic courthouse preservation
 3-18 fund account to provide a grant or loan to a county or municipality
 3-19 that owns a historic courthouse for a historic courthouse project.
 3-20 The grant or loan may be in the amount and according to the terms
 3-21 that the commission by rule shall determine.

3-22 SECTION 5. This Act takes effect immediately if it receives
 3-23 a vote of two-thirds of all the members elected to each house, as
 3-24 provided by Section 39, Article III, Texas Constitution. If this
 3-25 Act does not receive the vote necessary for immediate effect, this
 3-26 Act takes effect September 1, 2013.

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